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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/995,378

11/26/2001

Tomoyuki Ohno

B422-177

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26272

7590

11/15/2006

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EXAMINER

HUYNH, SON P

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/995,378

Applicant(s)

OHNO, TOMOYUKI

Examiner

Son P. Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 36-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 36-56 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-35 have been canceled.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 47-49, 52-54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 47 and 52 recite the limitation "...when said designating means designates none of the plurality of programs, and effecting, when said designating means designates a predetermined program of the plurality of programs..." in lines 12-13 are not clear. The

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Examiner interpreted it as best understood as displaying detailed information when one of the plurality of programs is selected.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 36-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander et al. (US 6,177,931).

Regarding claim 36, Alexander discloses a display control apparatus (receiver and user input device) for causing a display apparatus (television set/monitor) to display an electronic program table including a list display area (grid guide 22) for displaying a list of program information of a plurality of programs and a detail display area (e.g. either PIP window 12 detail box 24) for displaying detail program information of each of the plurality of programs (see include, but not limited to, figure 1), comprising:

inputting means (interpreted as user input device such as remote control 26, joy stick, track ball – col. 3, lines 10-55; col. 4, lines 45-67; col. 9, lines 1-21, figure 2) for

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receiving an input of a selection instruction for selecting a desired program from among the plurality of program displayed in the list display area (e.g. selecting television program on tile 52 on the Grid Guide 22 by moving the cursor to highlight tile 52 using the user input device – see include, but not limited to, figure 1, col. 3, lines 20-55; col. 22, lines 20-63);

displaying means for displaying (on screen display controller and television display – figure 1, col. 3, lines 50-55) in the detail display area (interpreted as either PIP window 12 or information box 24 – figure 1), detailed program information of the program selected by the selection instruction whose input is received by the inputting means (interpreted as displaying program correspond to the highlighted tile in the PIP window 12 or display detail information of the highlighted tile when the tile is highlighted using the input device – see include, but are not limited to, figures 1, 3, col. 3, lines 20-62, col. 4, line 50-col. 5, line 15, col. 13, lines 47-67; col. 15, lines 47-64, col. 18, lines 13-32);

controlling means (e.g. television receiver with processor– col. 3, lines 3-55, col. 5, lines 20-53) for, when the inputting means receives the input of the selection instruction of a second program after the displaying means displays the detailed program information of a first program in the detail display area, effecting control so as to effect selection of the second program while keeping the displaying means displaying the detailed program information of the first program in the detail display area (e.g. when the user uses the input device to move to highlight program in another tile and the PIP window is locked, the information of previous selected program on the PIP window

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is remained – col. 3, lines 55-col. 4, line 12; or the user moves the cursor to another program, details about the program presented by the highlighted tile are displayed in Grid guide 22. After an action button has been pressed or an icon on navigation bar 20 has been activated, an instructional prompt may be substituted for the program information in information box 24 col. 4, line 52-col. 5, line 4. Thus, the detailed information of the previous selected program in the information box is remained when the user uses the input device to highlight and display information of another program in the Grid guide, without pressing action button).

Regarding claim 37, the additional limitation of “wherein said controlling means controls said displaying means so as to display the detailed program information of the second program in a display area other than the detail display area while keeping said displaying means displaying the detailed program information of the first program in the detailed display area” is interpreted as processor/controller of the television receiver controls the television screen to display information of currently highlighted program in the Grid Guide area 22 while keeping the detailed information of the previous selected program in the PIP window (when the PIP is locked) or keeping the detailed information of the previous selected program in information box 24 when the action button has not been activated, the PIP window, information box area, and Grid Guide area 22 are different areas in the EPG display – see include, but not limited to, figures 1, 3, 8, col. 3, lines 55-col. 4, line 12, col. 4, line 52-col. 5, line 4).

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Regarding claim 38, Alexander further discloses the program information includes a program name (e.g. PRIME TIME, SPICE GIRLS CONCERT TONIGHT, etc. – figure 1), and the detailed program information includes information at least one of a channel of the program, the program name (e.g. title), contents of the program – figures 1, 3, 4b, 8, col. 3, lines 55-62, col. 15, lines 49-55).

Regarding claim 39, Alexander further discloses the program information of the plurality of programs is displayed in the list display area in such a manner that a channel number information axis is arranged in vertical directions, and a broadcast time information axis is arranged in horizontal direction (figure 1), and wherein the controlling means (processor/controller of the television receiver) control the displaying means (television display screen) so as to display the program information of the plurality of programs in the list display area 22 so that the displayed program information can scroll in horizontal direction – see include, but not limited to, figure 1, col. 3, lines 5-55; col. 5, lines 20-53; col. 4, lines 52-56).

Regarding claim 40, Alexander further discloses the controlling means controls the displaying means (processor/controller controls television display screen -col. 3, lines 5-55; col. 5, lines 20-53) so that the program information of the programs broadcasted on the channel on which the first program is also broadcasted is displayed fixedly in a portion of the list display area (e.g. channel ads that provides television program selected by the user are displayed at a fixed position on the Grid guide area –see

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include, but not limited to, figure 1, col. 22, lines 34-4; col. 23, lines 20-34), and the displayed program information of programs broadcasted on the other channels can scrolls in at least one of the vertical and horizontal directions (program on channel ad are fixed when the programs on the other channels are scrolled horizontally or vertically – see include, but not limited to, col. 22, line 35-col. 23, line 33).

Regarding claims 41-45 the limitations of the method as claimed correspond to the limitations of the display controlling apparatus as claimed in claims 36-40, and are analyzed as discussed with respect to the rejections of claims 36-40.

Claim 46 is directed toward embody the method of any one of claim 41 to 45 in “recording medium computer-readably”. Alexander also discloses the processor performs all functions using instructions stored in memory of the system such as RAM or ROM (see include, but not limited to, col. 5, lines 5-58, col. 8, lines 20-35). Inherently, the system comprises recording medium computer-readably (ROM or RAM) recording a program for causing a computer (processor/controller) to execute the display control method set out in one of claims 41 to 45 so that the controller/processor performs all functions automatically.

Regarding claims 47-49, the limitations as claimed correspond to the limitations as claimed in claims 36-37, wherein the limitation of “designating means...” correspond to the limitation “displaying means....” in claim 36, the “first mode” and “second mode” as



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claimed correspond to selection instruction of a desired program and selection instruction of a second program, respectively, as claimed 36, and are analyzed as discussed with respect to the rejection of claims 36-37. Alexander further detailed information of the selected program is being displayed fixedly in the detail display area (either PIP window 12 or information box 24 – see include, but not limited to, figures 1, 3, 8). Alexander further discloses the television display screen to fixedly display the detailed program information of the plural program designated by the designating means in the detailed display area (on screen display controller and television display fixedly displays the detail program information of the plural programs in PIP window 12 or information box 24 – see include, but not limited to, figure 1, col. 3, lines 35-62).

Regarding claim 50, the display controlling apparatus is broader in scope than the display controlling apparatus of claims 36, 39-40, and the limitations that correspond to the limitations of claims 36, 39-40 are analyzed as discussed with respect to the rejection of claims 36, 39-40, wherein the designating means correspond to the display means as claimed in claim 36.

Regarding claim 51, the additional limitation “control means fixed the display of the program information of the program designated by the designating means” is interpreted as controller/processor controls to display program information in Grid Guide as designated by OSD and television display screen (see include, but not limited to, col. 3, lines 20-62, figures 1, 3, 5, 8).

Regarding claims 52-56, the limitations of the method as claimed correspond to the limitation of the display controlling apparatus as claimed in claims 47-51, and are analyzed as discussed with respect to the rejections of claims 47-51.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee et al. (US 6,732,371 B1) discloses apparatus and method for guiding broadcasting information of TV.

Kondo et al. (US 6,763,522) discloses system and method for a digital television electronic program guide.

Satterfield et al. (US 6,564,378) discloses program guide system with browsing display.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh

November 10, 2006

  
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